

## **New Rule Now in Place for Use of Sediment from Storm Water Management Structures**

In response to an increasing number of storm water management structures and lack of an established process to regulate sediment removal and use, the DNR has developed an innovative rule, NR 528, **Management of Accumulated Sediment from Storm Water Management Structures**. This rule uses a cost-effective approach to help those responsible for the maintenance of storm water ponds manage the sediment accumulated in these ponds. All sediment removed from storm water management structures is considered a solid waste and must be managed under NR 528. However, NR 528 does not apply to ponds during the construction phase of a development project, when erosion and sediment control fall under the Construction Site Storm Water Runoff General Permit.

Prior to the development of NR 528 there was no consistent process for dealing with the sediment removed from storm water management ponds. Those wishing to use accumulated sediment rather than taking it to a landfill had to pay a fee, submit a request for an exemption and obtain an approval from the DNR. NR 528 simplifies this process and establishes a self-implemented, streamlined system for sediment removal and use. The cornerstone of this approach is an online certification form that records the sediment source, location, end use and the process of risk management, including any required sediment sampling. A sediment manager must certify and sign the form to ensure accountability and compliance with NR 528. No fee is required to manage sediment under this rule.

Chapter NR 528, background information about the rule, the certification form (Form 4400-248) and a technical guidance document for implementing the rule are available online at <http://dnr.wi.gov/org/aw/wm/solid/nr528/index.htm>. If you have questions, please contact Tom Portle, [thomas.portle@wisconsin.gov](mailto:thomas.portle@wisconsin.gov) or (608) 267-0877; or Jack Connelly, [johnston.connelly@wisconsin.gov](mailto:johnston.connelly@wisconsin.gov), (608) 267-7574.